

REMARKS/ARGUMENTS

Responsive to the Office Action mailed on December 24, 2008 in the above-referenced application, Applicant respectfully requests amendment of the above-identified application in the manner identified above and that the patent be granted.

PRESENT STATUS OF APPLICATION

In this paper, claim 1 has been amended. On entry of this amendment, claims 1-14 are pending in the application. Reconsideration of this application is respectfully requested in light of the amendments and the remarks contained below.

The amendment of claim 1 is fully supported and reflected at least by Figures 1-3 and paragraph [0023] of the specification. The shape and positions of the protrusions 82 of the rotor 80 on the one hand and the protrusions 32 on the foot 30 on the other hand are adapted to each other in such a way that when the movement is continued, *the rotor 80 is forced to rotate*. It is inherently shown in Figures 1-3 that the rotor 80 circulates around the lens 20 when forced to rotate.

Rejection Under 35 U.S.C. 102 (e)

Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ning (US 2004/0095499). Applicant respectfully traverses the rejections for the reasons as follow.

The amended claim 1 recites an imaging module (1), comprising: an image sensor chip (10); a lens (20), wherein the lens (20) and the image sensor chip (10) are movable with respect to each other; a first retaining means (54, 82) for retaining the lens (20) with respect to the image sensor chip (10) at a first distance; a second retaining means (53, 82) for retaining the lens (20) with respect to the image sensor chip (10) at a second distance; and a positioning means comprising a rotor (80) and a foot (30), wherein *the foot (30) comprises at least an inclined surface with the rotor (80) sliding thereon and **circulating** around the lens (20)* for automatically activating the second retaining means (53, 82) when the first retaining means (54, 82) are deactivated, and vice versa.

Ning discloses an imager module with a retractable lens. Referring to paragraph [0040]

of Ning, the lens assembly 34 is moved from the extended state (FIG. 1) to the retracted state manually by pressing the lens assembly 34 into the lens holder 12 and into a reset configuration such as shown in FIG. 2. Applicant notes that the lens assembly 34 of Ning is **retractable** and can only be moved linearly with respect to the lens holder 12/digital imager 24. **No rotation** of the spring 60 or the lens assembly 34 is taught or suggested by Ning.

As disclosed in paragraph [0035] of Ning, in the embodiment of FIG. 1b, the spring 60 has an object end 62 coupled to the lens assembly image and 38 and an imagine end 64 coupled to the lens holder spring anchor location 66. Since the spring 60 is fixed at both ends thereof, it cannot be equal to the rotor “circulating around the lens”, as recited in amended claim 1 of the present application.

To anticipate a claim, a reference must teach every element of the claim. For at least the reasons mentioned above, it is therefore Applicant's belief that the Ning does not teach or suggest all features and limitations of claim 1, and claim 1 patently defines over the cited art of Ning. Applicant therefore respectfully requests that the rejections of the claim be withdrawn and the claim passed to issue.

Insofar as claims 2-14 depend on claim 1 either directly or indirectly, and therefore incorporate all of the limitations of claim 1, Applicant respectfully requests that the rejections of these claims be withdrawn and the claims passed to issue.

CONCLUSION

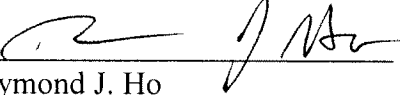
The present Response and Amendment is suitable for consideration and entry after final. It does not introduce any issues that would require further search by the Examiner and places all claims in position for immediate allowance and/or for better position on appeal.

In view of the foregoing, Applicants submit that this application is in condition for allowance, and reconsideration of the claim rejections and prompt disposition is earnestly solicited. If the Examiner believes that the prosecution of this case might be advanced by discussing the application with Applicants' representative, in person, or over the telephone, Applicants' representatives would welcome the opportunity to do so.

EXCEPT for fees payable under 37 CFR §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application, including fees due under 37 CFR §1.16 and 1.17 which may be required, including any required extension of time fees, or credit, any overpayment to deposit account No. 50-1349. This paragraph is intended to be a constructive petition for extension of time in accordance with 37 CFR §1.136(a)(3).

Respectfully submitted,

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